

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HORVATH TOWERS III, LLC,

Plaintiff.

v.

ZONING HEARING BOARD OF
MONTOURSVILLE BOROUGH,

Defendant.

No. 4:16-CV-00421

(Judge Brann)

ORDER

AND NOW, this 12th day of January 2018, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment, ECF No. 25, is **DENIED**.
2. Defendant's Motion for Summary Judgment, ECF No. 26, is **GRANTED**.
3. The Clerk of Court is directed to enter judgment in favor of the Defendant on Counts I and III of Plaintiff's Complaint, ECF No. 1, and close this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge